



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/954,724	09/12/2001	Sondre Skatter	507-000600US	8836

20995 7590 03/28/2005

Knobbe Martens Olson & Bear LLP
2040 Main Street
Fourteenth Floor
Irvine, CA 92614

EXAMINER

TANG, KAREN C

ART UNIT	PAPER NUMBER
----------	--------------

2151

DATE MAILED: 03/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/954,724	SKATTER ET AL.	
	Examiner	Art Unit	
	Karen C Tang	2151	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 September 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2/8/02</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

I. Regarding claim 18, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

The claim 16 is generally narrative and indefinite, failing to conform with current U.S. practice. It is not clear to examiner what does it means by "... moved over a content item a text will pop up.." . Examiner believed a comma is missing in the sentence. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

II. Claims 1-3, 5, 7, 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Powers et al hereinafter Powers (U.S 6,362,817) in view of Dichter (US 6,847,364).

1. Referring to Claim 1, Powers discloses a method of presenting data over a network (Examiner interprets that when the computer connected to Internet, it is connected via a network, refer to Abstract and Col 1, Lines 15-47) comprising: providing a persistent graphical object (structure, refer to Col 1, Lines 45-65, and Col 2, Lines 35-55) representing a rotating globe (structure to be shaped like a sphere – which is a shape of a globe, refer to Col 2, Lines 60-67); presenting said graphical object in a composition accessed by an initial application (web page, refer to Col 1, Lines 20-46), said object having state and having one or more possible external connections (links, refer to Col 1, Lines 45-65); allowing a user to indicate relocation of said graphical object to a location outside of said initial application (refer to Col 4, Lines 29-41); and thereafter moving said graphical object to said outside location, preserving state of said graphical object (save: refer to Col 7, Lines 50-65 and Col 4, Lines 24-41).

Powers does not expressly indicates the object being rotated.

Dichter discloses the rotating 3D object (refer to Col 7, Lines 65-67 and Col 8, Lines 1-5).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine both Power and Dichters' invention.

The suggestion/motivation would have been that Power indicates the object/structure can be animated (refer to Col 2, Lines 15-40). Which it is well known in the art that the animated object can be rotated around.

Art Unit: 2151

2. Referring to Claim 2, Power indicates wherein said graphical object (structure, refer to Col 1, Lines 45-65, and Col 2, Lines 35-55), once relocated, will persist and maintain state (save, refer to Col 31, Lines 65-67 and Col 32, Lines 1-40) after termination of said initial application (238, refer to Fig 5).

3. Referring to Claim 3, Power discloses wherein said graphical object (structure, refer to Col 1, Lines 45-65, and Col 2, Lines 35-55), wherein said initial application location is selected from the group consisting of: a web and said composition is a web page browser (refer to Col 1, Lines 25-35, Col 2, Lines 5-15), or a desktop provided by an operating system.

4. Referring to Claim 5, Power indicate relocation of the object ("click and drag" to move the object around within the environment, refer to Col 11, Lines 9-26) to any number of additional platform (refer to Col 27, Lines 4-15)

5. Referring to Claim 7, Power indicates wherein a desktop User3's computer, refer to Fig 2C providing by an operating system; a different application (web page, refer to Col 1, Lines 24-60, View Program, refer to Col 3, Lines 50-67); a different computer platform with a different operating system (refer to Col 27, Lines 4-15)

Art Unit: 2151

6. Referring to Claim 9, Power indicates wherein said allowing a user to indicate relocation comprises selecting and dragging (refer to Col 11, Lines 19-26) a graphical object. (structure, refer to Col 1, Lines 45-65, and Col 2, Lines 35-55).

7. Referring to Claim 10, Power indicates wherein said allowing a user to indicate relocation comprises discontinuously (drop, once the mouse is finished the process of selecting and dragging the object, once the user let go the mouse, it is consider to discontinue selecting a graphical object. Refer to Col 11, Lines 19-26) selecting a graphical object and placing said object in a new location (refer to Col 8, Lines 14-22).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

III. Claims 4, 6, 8, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Powers et al hereinafter Powers (U.S 6,362,817) in view of Dichter (US 6,847,364) and in further view of Lai et al. hereinafter Lai (US 2003/0016247) and "Official Notice".

1. Referring to Claim 4, Power discloses wherein

Art Unit: 2151

one or more hyperlinks to other information available over a network (refer to Col 7, Lines 45-67);

and one or more links indicating news stories (symbolic map file consists information/new story, refer to Col 4, Lines 1-15) related to a particular location (environment, refer to Col 4, Lines 1-15) displayed on said globe (object, refer to Col 3, Lines 40-67 and Col 4, Lines 1-15).

Power and Dichter do not expressly indicate the imagine indicate weather in various location.

Lai discloses icon that shows the outside weather (refer to 0041).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine Power and Lai's invention.

The suggestion/motivation for doing so would have been that Power indicate the link would connected to the internet, and internet consists capability of finding out the weather information from any location (refer to Col 4, Lines 1-20).

2. Referring to Claim 6, Power indicates wherein said desktop (User3's computer, refer to Fig 2C) provided by an operating system is an interface of a platform (refer to Col 27, Lines 4-15),

Power and Dichter do not expressly indicate the platform selected from the group consisting of: a windows PC, a Macintosh PC, a Unix-type operating system, a set-top box, a wireless logic appliance, internet appliance, a personal digital assistants or any other device connected to a network.

Art Unit: 2151

Official Notice is taken that the limitations narrowed by these claims are consider obvious and furthermore a matter of design choice.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine Power and “Official Notice” – Design Choice.

The suggestion/motivation for doing so would have been that Power indicates the computer system is suitable for any kind of platforms and any different kind of operating system. Which is by designer’s choice of what type of operating system and platforms the designer can choose from.

3. Referring to Claim 8, Power indicates wherein said graphical object (structure, refer to Col 1, Lines 45-65, and Col 2, Lines 35-55) comprises: one or more user interface components and wherein said components are preserved after a relocation (refer to save: refer to Col 7, Lines 50-65 and Col 4, Lines 24-41) and one or more connections to one or more external entities (links, refer to Col 1, Lines 45-65)

Power and Dichter do not expressly indicate the connections are preserved after a relocation.

Official Notice is taken – connections are preserved after relocation. It is well known in the art that the connection are preserved after a relocation on the Webpage via browsing the internet.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the Power and “Official Notice”. The suggestion/motivation would have been that since Power indicates the use of

Art Unit: 2151

Browser (refer to Col 1, Lines 20-67), the browser (i.e. Internet Explore) consists capability of preserved the link/browsing history. It is conveniences for user to allocate the history of browsing so it is easier to track the user's browsing habit for commercial advertising advantages.

4. Referring to Claim 11, Power discloses wherein said one or more external (hyperlinks, refer to Col 7, Lines 45-67) entities are selected from the group consisting of: web servers (40, Fig 2C), other applications (web page, refer to Col 1, Lines 24-60, View Program, refer to Col 3, Lines 50-67), background processes (28, Fig 2B), and other remote processes (RPD, refer to Fig 2B).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

IV. Claims 12-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Powers et al hereinafter Powers (U.S 6,362,817) in view "Official Notice".

1. Referring to Claim 12, a system presenting web content comprising (refer to Title): a information appliance displayable representation of a globe (structure to

Art Unit: 2151

be shaped like a sphere – which is a shape of a globe, refer to Col 1, Lines 45-65, and Col 2, Lines 35-67), where the globe is displayed using 3D software rendering (3-dimension world); a logic module that projects web content onto the surface said representation of a globe (refer to Col 3, Lines 40-67 and Col 4, Lines 1-41, where the hyperlink – web content is on the surface of the structure, which, Power indicates the structure can be sphere like shape – refer to Col 2, Lines 60-67);

Power does not expressly indicate content appears on the globe at geographic locations associated with said content.

Official Notice is taken that the limitations narrowed by these claims are consider obvious and furthermore a matter of design choice.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to incorporate the design choice with Power's invention. The suggestion and motivation would have been that Power indicate the characteristics can be assigned to objects including the texture maps for parts of an object (refer to Col 3, Lines 60-67, and Col 2, Lines 1-15) which indicates that everything can be choice by the designers.

2. Referring to Claim 13, Power indicates wherein said representation of a globe (structure/object to be shaped like a sphere – which is a shape of a globe, any 3-D animation structure can be moved/rotated depends on the designers' choice: refer to Col 2, Lines 60-67) can be accessed through a web browser as

Art Unit: 2151

embedded in a web page (refer to Col 4, Lines 1-15) and/or can reside on an operating system desktop (PC and/or Mac and/or other platform) (refer to Col 27, Lines 1-15) and/or can be executed as a stand-alone application in a window and further wherein the same functionality is provided in any location (refer to Col 4, Lines 1-15, where the internet can takes the user to any location).

3. Referring to Claim 14, Power indicates wherein web content (web page, refer to Col 1, lines 20-35) is rendered on the globe (structure to be shaped like a sphere – which is a shape of a globe, any 3-D animation structure can be moved/rotated depends on the designers' choice: refer to Col 2, Lines 60-67) as channels (hyperlinks, refer to Col 7, Lines 45-67), wherein a channel is a set of related content from a content provider (server, refer to 40, Fig 2C), or an association of content providers, or a broker of web content, and wherein content items in a channel have some geographical distribution (www/internet can access information from anywhere in the world, refer to Col 4, Lines 1-15 and Col 3, Lines 20-40).

4. Referring to Claim 15, Power discloses further wherein content items (web page, refer to Col 1, Lines 20-35) can be associated with points (hyperlinks, refer to Col 7, Lines 45-67) on said representation of a globe (structure to be shaped like a sphere – which is a shape of a globe, refer to Col 1, Lines 45-65, and Col 2, Lines 35-67) or areas on said representation of a globe.

Art Unit: 2151

5. Referring to Claim 16, Power indicates wherein a pointer cursor is moved over a content item a text will pop up revealing details about the content item (refer to Col 4, Lines 1-15 and 272, Fig 6).

6. Referring to Claim 17, Power indicates wherein active content items (refer to Fig 6, 264, 268, 274, 276, 272 and 266) can have actions (change Pointer Icon) associated with them to be triggered (when Player using mouse pointer) when the user selects a content item (select the URL, refer to Fig 6).

7. Referring to Claim 18, Power indicates wherein said actions are one or more selected from the group consisting of:

opening a web browser with a URL link as a parameter (refer to Col 1, Lines 30-67);

bringing content to the globe (structure to be shaped like a sphere – which is a shape of a globe, any 3-D animation structure can be moved/rotated depends on the designers' choice: refer to Col 2, Lines 60-67) with a parameter the web address of content (URL consists parameter the web address of content, refer to Col 1, Lines 65-67);

submitting an HTTP post (it is inherent that URL consists of HTTP post, refer to Col 1, Lines 60-67) that initiates or completes a web service (browsing, refer to Col 2, Lines 1-15) associated with a channel provider (web server/40, Fig 2C), such as booking a flight with travel agency and with parameters being an IP request address and post data.

Art Unit: 2151

Power does not expressly indicate the system consists the ability to communicate with another user via email, chat, or send instance message.

Official Notice is taken –

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine Power and “Office Notice”.

The suggestion and motivation for doing so would have been that it is well known in the art that the user has been communicating with another user via internet/browsing through the web pages.

8. Referring to Claim 19, Power indicates further wherein channels are defined using XML format (refer to Col 14, Lines 25-40), describing content in terms of geographic position, click-action (refer to 272, Fig 6), parameter for the click action (refer to Col 16, Lines 30-45, once user click on the hyper-link, the pop-up follows, which consists a parameter, refer to Col 7, Lines 55-67), etc.

9. Referring to Claim 20, Power discloses wherein channels (links, refer to Col 1, Lines 20-67) may have reference to Envooi sub-compositions to be added dynamically to a Globevoii application (object is been given a link/reference property so that it can be dynamically allocate other information, refer to Col 4, Lines 1-15), providing a unique interface (second spot, placement, refer to Col 4, Lines 1-30) and behavior for a given channel (hyper links, refer to Col 1, Lines 45-67) and wherein these references are used to retrieve the Envooi sub

Art Unit: 2151

compositions from a web server (URL, it is inherent that URL consists the reference to retrieve information from the its address destination).

10. Referring to Claim 21, Power indicate the use of internet service (refer to Col 1, Lines 20-47)

Power does not expressly indicates the channels are licensed to channel providers on a pay per channel; pay per end user, or a pay per user action basis.

"Official Notice" is taken –

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to know that by accessing internet server, user has to pay for the internet usage services, (i.e Dial-UP, Cable, and DSL), and that is well known in the art.

11. Referring to Claim 22, Power indicates wherein a texture map (symbolic map, refer to Col 3, Lines 40-67) rendered on said representation of a Globe (structure to be shaped like a sphere – which is a shape of a globe, any 3-D animation structure can be moved/rotated depends on the designers' choice: refer to Col 2, Lines 60-67) is part of a separate 2D rendering system (refer to Col 8, Lines 14-35), said 2D rendering system comprising a local display managing system (124, refer to Col 7, Lines 65-67) for managing repainting damages (124 has ability to generate/repaint scene, refer to Col 8, Lines 1-15).

Art Unit: 2151

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

V. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Powers et al hereinafter Powers (U.S 6,362,817) in view "Official Notice" in further view of "Time and Date.Com".

1. Referring to Claim 23, Power discloses the use of 3D sphere/global object (refer to Col 2, Lines 60-67 and Col 6, Lines 1-30).

Power does not expressly disclose the earth time in position of the sun to the earth.

"The World Clock – Time Zones" – indicates the time around the world in term of sun to the earth (AM/PM).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine Power and "The World Clock – Time Zone".

The suggestion and motivation would have been that Power discloses the important of the real downloading time. By displacing the real time in the environment provides the user the realistic environment whether or not they would want to continue download the information because the internet traffic congested (refer to Col 11, Lines 45-50)

Art Unit: 2151


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karen C Tang whose telephone number is (571)272-3116. The examiner can normally be reached on M-F 7 - 3.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on (571)272-3939. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KT


RUPAL DHARIA
SUPERVISORY PATENT EXAMINER